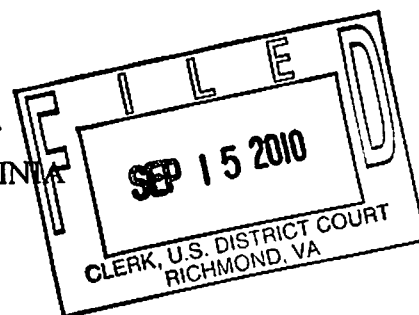


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



LANEKA C. ASKEW,

Plaintiff,

v.

Civil Action No. 3:10cv651

BUREAU OF COLLECTION RECOVERY, LLC
Serve: Bureau of Collection Recovery, LLC
7575 Corporate Way
Eden Prairie, Minnesota 55344

Defendant.

COMPLAINT

I. INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. §1692, *et seq.* (hereinafter "FDCPA") which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices.

II. JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 15 U.S.C. §1692k(d), 28 U.S.C. §1337. Venue in this District is proper in that the defendant transacted business in this state and the plaintiff chooses to bring this action here.

III. PARTIES

3. Plaintiff, Laneka C. Askew, is a natural person residing in Suffolk, Virginia.

4. Defendant, Bureau of Collection Recovery, Inc., (hereinafter "BCR") is a corporation, engaged in the business of collecting debts in this state with its principal place of business located in Eden Prairie, Minnesota. One of the principal purposes of BCR is the collection of debts using the mails and telephone and it regularly attempts to collect debts alleged to be due another.

5. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. §1692a(6).

IV. FACTUAL ALLEGATIONS

6. Plaintiff had an account with creditor T-Mobile. In November 2008, Plaintiff closed the account. T-Mobile assigned the balance on the account to Defendant.

7. Plaintiff paid the balance on the alleged debt with a check payable to Defendant dated February 17, 2009. A copy of the check endorsed by Defendant on February 25, 2009 is attached as **EXHIBIT A**.

8. On June 16, 2010, Defendant first contacted Plaintiff calling her cell phone and leaving a voicemail requesting that she return their call. Defendant called Plaintiff twice on June 16, 2010 and once on June 28, 2010. A copy of Plaintiff's phone bill listing the incoming calls from Defendant with phone number 202-607-2744 is attached as **EXHIBIT B**.

9. On June 29, 2010, at approximately 2:00 pm, Defendant collector who called herself “Renee Leplant” told Plaintiff that she “owed the full balance of \$462.80 for the outstanding debt with T-Mobile and she [Plaintiff] must pay the balance in full immediately.” Plaintiff asked for proof of the alleged debt. Defendant “Renee Leplant” stated that “she [Defendant] would not send her any proof of the debt because she [Plaintiff] had already cost the company too much money as it is and if she [Plaintiff] did not set up payment arrangements today her [Plaintiff’s] credit would be impacted and the account would go to another collection company.” Renee Leplant also stated: “You [Plaintiff] seem like a bright girl and would hate to see something like this affect her.”

10. Following the call with Defendant, Plaintiff called the original creditor of the alleged debt, T-Mobile, and verified with them that her account had been paid in full.

11. Plaintiff called Defendant to notify them of this information. She spoke to a collector who called himself “Mr. Parker” and explained that she had verified with T-Mobile that the account was paid in full and upon review of her account, “Mr. Parker” confirmed that the account was settled but stated that it was opened back up for a reason he was not aware. “Mr. Parker” then transferred Plaintiff to “Renee Leplant.”

12. A female collector with same accent and voice as “Renee Leplant” told Plaintiff that she “could not find her [Plaintiff’s] information in the system and that her account had already been transferred to another company.” Plaintiff was very confused since she had spoken with the same female collector earlier about the alleged debt. Plaintiff recognized the female collector’s voice and accent “Renee Leplant” with whom

she had spoken to earlier and stated to the caller that she believed that she had just spoken with her and asked the collector for her name. The collector then hung up on Plaintiff.

13. During the June 29, 2010 calls, nor within five days thereafter, did the Defendant provide any of the notices required by FDCPA U.S.C. §1692g(a).

14. Plaintiff has reviewed her credit report and the alleged debt with Defendant is not listed.

15. Prior to the filing of the instant complaint, including within the one year preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt. Defendant's conduct violated the FDCPA in multiple ways, including but not limited to:

- a) Failing to provide any of the required notices during the initial communication nor within five days thereafter §1692g(a);
- b) The use of any false representation or deceptive means to collect or attempt to collect ant debt or to obtain information concerning a consumer §1692e(10);
- c) Making false and misleading representations regarding the character and status of the debt §1692e(2);
- d) Communicating or threatening to communicate to any person credit information which is known or which should be known to be false §1692e(8);
- e) The use of language the natural consequence of which is to abuse the hearer. §1692d(2).

V. FIRST CLAIM FOR RELIEF

16. Plaintiff repeats, realleges, and incorporates by reference the preceding paragraphs.

17. Defendant violated the FDCPA as noted above.

18. As a result of the above violations of the FDCPA, the defendant is liable to the plaintiff for plaintiff's statutory damages, and costs and attorney fees.

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the defendant for the following:

- A. Statutory damages pursuant to 15 U.S.C. §1692k.
- B. Costs and reasonable attorney fees pursuant to 15 U.S.C. §1692k.
- C. For such other and further relief as may be just and proper.

DEMAND FOR JURY TRIAL

**Respectfully submitted,
LANEKA ASKEW**


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